IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11922 of 2004

Between:

S.V. Suryanarayana S/o S. Venkaiah , Occ: Retired as Secondary Grade Teacher, Government School for Blind Boys, Darulshifa, Hyderabad

..... PETITIONER

AND

1 The Estate Officer, Hyderabad and Secunderabad at Khairatabad, Hyderabad
2 The Deputy Secretary to Government General Administration (Accom) Department, A.P., Secretariat, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents in not considering the extension of time for vacation of quarter C-43, Malakpet Colony, Hyderabad as arbitrary, unjust and consequently direct the respondents to grant extension of time in view of the health condition of the petitioner and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.A.M.RAO

Counsel for the Respondents: THE GOVERNMENT PLEADER FOR GENERAL ADMINISTRATION

The Court made the following:

ORDER:

This writ petition is filed by the petitioner, aggrieved by the notice dated 08.07.2004, which is stated to have been served on 09.07.2004, issued by the first respondent directing the petitioner to vacate the quarter within three days.

2. It is stated that the petitioner worked as a teacher in Government School for Blind Boys, Darulshifa, Hyderabad and retired. While he was in service, he was allotted a Government quarter bearing No.C-43, Malakpet Colony, Hyderabad. Though the petitioner, after his retirement, is expected to vacate the quarter, he did not do so. When the first respondent took steps to get him evicted, he approached the Chief Judge, City Civil Court, Hyderabad, by filing C.M.A.No.34 of 2004, which was disposed of directing the petitioner to vacate the quarter by 30.06.2004. The said CMA was disposed of on 29.03.2004 which clearly shows that the City Civil Court has granted three more months apart from the time the petitioner had already availed. But, however, the petitioner has come up with the present writ petition stating that he fell sick and was admitted in the hospital and later he was advised bed rest, therefore sought for another four weeks time for vacating the premises.

3. The learned Government Pleader, however, opposed the said claim of the petitioner as the petitioner has already enjoyed more than a years time after his retirement though he was not entitled to continue to be in possession of the quarter, which was allotted while he was in service.

4. Heard both sides and considered the material on record.

5. In view of the allegations, the petitioner is directed to vacate the premises by 31st of July, 2004, failing which, the first respondent is entitled to evict the petitioner. The petitioner is further directed to file an undertaking before the first respondent that he will vacate the quarter by 31st of July, 2004. On that condition only, the petitioner is permitted to be continued till 31.07.2004.

6. With the above directions, the writ petition is disposed of. No costs.

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13.07.004

VGB

To

1 The Estate Officer, Hyderabad and Secunderabad at Khairatabad, Hyderabad
2 The Deputy Secretary to Government, General Administration (Accom.) Department, A.P., Secretariat, Hyderabad

3 2CCs to the Government Pleader for General Administration, High Court Buildings, Hyderabad (OUT)

4 2CD copies